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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 JOHNNY JOE HARO.
12 CDCR #P-08307,

13 Plaintiff,

14 vs.

15 D. CAMARGO; J. SAIS; L. VEGA; and
16 D. MAY,

17 Defendants.
18

Civil No. 14-CV-1782 JLS (PCL)

**ORDER: (1) ADOPTING
MAGISTRATE JUDGE LEWIS'
REPORT AND
RECOMMENDATION; AND (2)
GRANTING IN PART AND
DENYING IN PART DEFENDANTS'
MOTION TO DISMISS**

(ECF No. 10, 15)

19 Presently before the Court is Defendants D. Camargo, J. Sais, L. Vega, and D.
20 May's ("Defendants") Motion to Dismiss Plaintiff's Complaint. (ECF No. 10.) Also
21 before the Court is Magistrate Judge Peter C. Lewis' Report and Recommendation
22 ("R&R") advising this Court to grant in part and deny in part Defendants' Motion to
23 Dismiss. (ECF No. 15.)

24 Federal Rule of Civil Procedure 72(b) and 28 U.S.C. § 636(b)(1) set forth a district
25 court's duties in connection with a magistrate judge's R&R. The district court must "make
26 a de novo determination of those portions of the report to which objection is made," and
27 "may accept, reject, or modify, in whole or in part, the findings or recommendations made
28 by the magistrate judge." 28 U.S.C. § 636(b)(1); *see also United States v. Raddatz*, 447

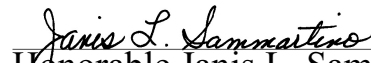
1 U.S. 667, 673–76 (1980); *United States v. Remsing*, 874 F.2d 614, 617 (9th Cir. 1989).
 2 However, in the absence of timely objection, the Court “need only satisfy itself that there
 3 is no clear error on the face of the record in order to accept the recommendation.” Fed.
 4 R. Civ. P. 72 advisory committee’s note (citing *Campbell v. U.S. Dist. Court*, 501 F.2d
 5 196, 206 (9th Cir. 1974)).

6 Here, the parties failed to timely file objections to Magistrate Judge Lewis’ R&R.
 7 Having reviewed the R&R, the Court finds that it is well reasoned and contains no clear
 8 error. Accordingly, the Court hereby (1) **ADOPTS** Magistrate Judge Lewis’ R&R in its
 9 entirety; (2) **GRANTS IN PART AND DENIES IN PART** Defendants’ Motion to
 10 Dismiss.

11 Accordingly, (1) Defendants’ Motion to Dismiss on exhaustion grounds is
 12 **DENIED**; (2) Defendants Motion to Dismiss the injunctive claims for relief is
 13 **GRANTED** and Plaintiff’s injunctive claims for relief are **DISMISSED WITHOUT**
 14 **PREJUDICE**; and (3) Defendants’ Motion to Dismiss the official capacity claims against
 15 Defendants is **GRANTED**. Plaintiff may file an amended complaint curing the
 16 deficiencies outlined in the R&R on or before April 24, 2015.

17 **IT IS SO ORDERED.**

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 19 DATED: March 2, 2015

20 
 21 Honorable Janis L. Sammartino
 22 United States District Judge
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